



SPW

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HARUYUKI YANAGI, ET AL.) : Examiner: Eugene H. Eickholt
Application No.: 10/614,065) : Group Art Unit: 2854
Filed: July 8, 2003) :
For: RECORDING APPARATUS) : July 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES

Sir:

The Office Action of June 23, 2004, sets forth an election of species requirement between ten (10) allegedly distinct species of the claimed invention (Groups A, B, D, E, F, G, H, I, J, and K).

Applicants respectfully request reconsideration and withdrawal of the election of species requirement. A review of the specification reveals that the various embodiments of Applicants' invention are so closely related that they would not require such a divergent search so as to overburden the Examiner. Accordingly, neither the Applicants nor the Patent and Trademark Office should be put to the trouble and expense entailed in multiple filing and prosecution. Moreover, it is respectfully submitted that the public at large should not be required

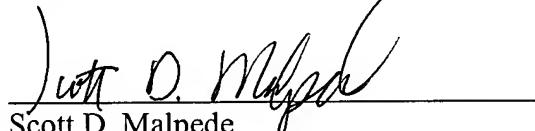
to obtain and study several separate patent documents in order to have available all of the issued patent claims covering the invention. The making of an election of species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use discretion and choose not to make an election of species where circumstances warrant it. It is submitted that such is the case in the instant application.

Nevertheless, pursuant to the provisions of MPEP § 809.2(a), Applicants hereby elect to prosecute the invention of Group A, Figures 1-19 and 38-42. It is submitted that Claims 1-3, 6-10, 13-18, and 21 read on the elected Group.

Reconsideration and prompt passage to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010 All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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